

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
STATESBORO DIVISION

FILED  
U.S. DISTRICT COURT  
STATESBORO DIV.

FEB 22 PM 12:57

CLERK  
SO. DIST. OF GA.

DANIEL A. SPOTTSVILLE,

Plaintiff,

vs.

CIVIL ACTION NO.: CV605-144

DON JERRIEL, Warden; DAVID  
McNEAL, Deputy Warden; TINA  
SANDERS; STUART ROGERS; BETH  
ETHRIDGE, all at Dodge State Prison;  
WILLIAM TERRY, Former Warden;  
BILLY BROWN, Deputy Warden;  
WAYNE JOHNSON, Deputy Warden;  
Lt. McGORY; Sgt. CULLENS; Officer  
McCLARY; Officer AMBROS; Counselor  
CUNNINGHAM; BILLY TOMPKINS,  
Warden, all at Smith State Prison;  
DEBBIE CREWS, Head Clerk and  
BRIDGET M. BEECHER, Deputy  
Clerk, both of Tattnall Superior Court,

Defendants.

ORDER


After an independent review of the record, the Court concurs with the Report and Recommendation of the Magistrate Judge, to which Plaintiff filed Objections. In his Objections, Plaintiff contends that his previous cases do not count as strikes against him. Plaintiff asserts that in the Southern District of Georgia he has only filed one case. Plaintiff avers that the cases he filed in the Middle District of Georgia should not count as strikes because they were dismissed without prejudice.

Plaintiff ignores the fact that he has been previously determined to be a "three striker" according to the provisions outlined in 28 U.S.C. § 1915(g). The undersigned's Order in

Spottsville v. Wetherington, CV601-043 (S.D. Ga. July 16, 2001), dismissed Plaintiff's case because of his three previous strikes. Most recently, in Spottsville v. Terry, CV605-148 (S.D. Ga. Feb. 2, 2006), Magistrate Judge W. Leon Barfield reaffirmed this determination, citing three cases which were dismissed for failure to state a claim on which relief could be granted: Spottsville v. Smith, CV600-21 (S.D. Ga. Mar. 7, 2001); Spottsville v. Georgia, CV400-60 (M.D. Ga. June 6, 2000); and Spottsville v. Marion Co. Sheriff, CV409-163 (M.D. Ga. Feb. 9, 2000). The undersigned adopted Magistrate Judge Barfield's Report and Recommendation.

Plaintiff's Objections are without merit. Plaintiff qualifies as a "three striker" under 28 U.S.C. § 1915(g) and has not sufficiently demonstrated an imminent danger which would allow him to file his case *in forma pauperis*. The Magistrate Judge's Report and Recommendation is adopted as the opinion of the Court. Plaintiff's Complaint is **DISMISSED**, without prejudice. If Plaintiff desires to proceed with this action he must re-submit his complaint along with the full filing fee. The Clerk of the Court is authorized and directed to enter the appropriate judgment of dismissal.

SO ORDERED, this 22 day of Feb., 2006.

  
B. AVANT EDENFIELD, JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA